

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

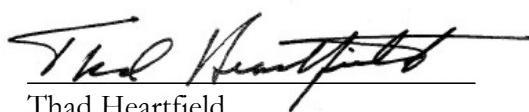
JOHN JOSEPH MALLON, #2158183 §
VS. § CIVIL ACTION NO. 6:18cv317
UNITED STATES OF AMERICA § CRIMINAL NO. 6:15-CR-26

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the court. It is therefore

ORDERED that the motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as premature and the case is **DISMISSED** without prejudice. It is further **ORDERED** that a certificate of appealability is **DENIED**. It is finally **ORDERED** that all motions not previously ruled on are **DENIED**.

SIGNED this the 3 day of January, 2019.



Thad Heartfield
United States District Judge